

REMARKS

In response to the Advisory Action of December 16, 2004, Applicants respectfully request continued examination pursuant to 37 CFR §1.114. The following amendment and comments are intended to replace the after final amendment that was not entered. In response to the Office Action of August 26, 2004, claims 1-3 were presented for examination and were rejected. Claim 3 was amended in response to the Office Action but the amendment was not entered because it was deemed to raise new issues that would require further consideration and/or search. In the present response, Claim 1 and Figure 1 have been amended to more clearly articulate aspects of the invention. Amended Figure 1 is attached as a replacement sheet following the remarks section of this amendment. Accordingly, claims 1-3 remain pending. Applicants submit that no new matter has been added by this amendment and that support for the amendment to Figure 1 and the claims may be found on (p. 4, l. 23 through p. 5, l. 3) and (p. 6, l. 15 through p. 8, l. 19) of the specification, respectively.

I. 35 U.S.C. §102**A. Claim Rejections relying upon *Liao et al.***

Claims 1 and 2 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,590,186 to *Liao, et al.* For at least the following reasons, Applicants respectfully traverse.

Liao et al. discloses a system and method for redirecting a telephone call with call merging. The system operates to route a telephone call originated by a calling party at a customer location to a primary location which may have subscriber personnel or voice response units as a redirecting party. The system monitors the call for redirect signals for routing the call to an alternate location through means of an adjunct processor associated with a network switch. The call legs extending through the adjunct processor are dropped and the call is merged in the associated network switch. (See column 3, lines 64-67; column 4, lines 1-8.)

From page 2, paragraph 2 of the Office Action, it is asserted that claims 1 and 2 read on Fig. 1 of the *Liao et al.* reference. Particularly, it is asserted that the first central office switching system of claim 1 reads on the local exchange switch 24, the first call processing node of claim 1 reads on the terminating switch 62, and the communication device of claim 1 reads on the

adjunct processor 34. With regard to claim 2, it is asserted that the terminating switch 74 reads on the second call processing node. Applicant disagrees with these assertions.

Fig. 1 of *Liao et al.* illustrates terminating switches 62 and 74 simply as black boxes that do not provide any detail of internal components. The Specification of *Liao* provides some discussion of terminating switch 62, beginning at column 6, lines 31 -67 and ending at column 7, lines 1-4. However, the discussion only relates to how calls are routed to and through the terminating switch 62 and on to other components of the network. *Liao* simply does not disclose the structural elements comprising the first and second call processing nodes of claims 1 and 2. Particularly, each call processing node includes a processor, a communication device, a memory device, and a set of instructions stored in the memory device to direct the processor to act in accordance with the set of instructions.

For a single reference to form the basis for an anticipation rejection, the reference must disclose every element of the claimed invention. Inherency may not be established by probabilities or possibilities. *Scaltech Inc. v. Retect/Tetra, L.L.C.* 190 F.3d 1342, 51 USPQ2d 1055, 1059 (Fed. Cir. 1999). Before a reference can be found to disclose a feature by virtue of inherency, one of ordinary skill in the art viewing the reference must understand that the unmentioned feature at issue is necessarily present in the reference. *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991).

Liao does not provide disclosure of the terminating switches 62 and 74 as comprising a processor, a communication device, a memory device and a set of the instructions stored in a memory device in accordance with the first and second call processing nodes of claims 1 and 2. As best illustrated in amended Figure 1 and described in the specification on (p. 4, l. 23 through p. 5, l. 3), the processor, communication device, memory device and instructions are integral parts of each call processing node. As illustrated in Figure 1 of *Liao et al.*, the terminating switch 62 and the adjunct processor 34 are stand-alone, separate, and distinct components within a communication network. Hence, the call processing nodes recited in claims 1 and 2 are not equivalent to the terminating switches 62, 74 as asserted on (p. 2, para. 2) of the Office Action.

Further, claim 1 as amended describes the first call processing node as being associated with at least one other communication network relative to a first communication network that is

associated with the first central office switching system. *Liao et al.* only discloses a single communication network that includes the terminal switches and adjunct processor as discrete subcomponents therein. Because the positive limitations of amended claim 1 are not disclosed by *Liao et al.*, for at least the foregoing reasons, claims 1 and 2 are patentable. As such, Applicants respectfully request that this rejection be withdrawn.

B. Claim Rejections Relying upon *MacAllister et al.*

Claims 1-3 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,442,242 to *McAllister et al.* For at least the following reasons, Applicant respectfully traverses.

McAllister et al. discloses a call processing system for servicing voice calls placed on a telephone network. The system includes a voice processor for processing a speech signal received on the telephone network from a caller, and a subscriber database that stores subscriber-specific information that is retrieved in response to processing of the speech signal by the voice processor. A telephone switch initiates completion of a voice call from the caller to a voice telephone terminal specified by the subscriber specific information. In response to a selection made by the caller requesting a product-related service, a communications processor selectively generates a digital message, which is then transmitted by a data network to a provider of the product-related service at a remote digital terminal specified by the subscriber-specific information. (Column 2, lines 41-55.)

From page 3, paragraph 4 of the Office Action, it is asserted that claims 1-3 read on Fig. 1 of *MacAllister*. It is further asserted that the claimed communication device reads on the intelligent peripheral 78 of Fig. 1 as described in column 5, lines 24-31 of *MacAllister*. Applicant disagrees with these assertions.

Fig. 1 of *MacAllister* merely illustrates the IP 78 as a black box that establishes a communication path between a telephone switch and an intelligent service control point 76. At column 5, lines 24-31, the IP 78 is described as providing additional subscriber features and functions, an example of which is directly quoted below.

For example, IP 78 may include and provide voice recognition capabilities, messaging services, database access, etc. Thus, although the functionality provided by the subject embodiment of the invention is implemented using dedicated components at the customer premises, this functionality may also or alternatively be included as a network feature as supported by network equipment including the IP 78. (Col. 5, l. 24-31)

The above excerpt from the *MacAllister* Patent does not disclose or teach the communication device of claim 1. Particularly, there is no disclosure that the IP 78 of *MacAllister* operates to determine need for enhanced call processing via voice recognition, voice verification, or voice identification and thereafter selects one of a plurality of call processing nodes to which the call and caller information will be transferred.

Claim 1 includes a communication device that establishes a communication path between a call processing node and a central office switching system. As shown in amended Figure 1 and described in the specification on (p. 4, l. 23 through p. 5, l. 3), the communication device is an integral part of the call processing nodes of claims 1 and 3. Once a call is received by the office switching system, the system operates to determine if there is a need for enhanced call processing via voice recognition, voice verification, or voice identification. Once this determination is made, the call is transferred to a select one of a plurality of processing nodes within at least one other network that is capable of processing the call. (See p. 6, l. 15 through p. 8, l. 19). *MacAllister et al.* simply does not disclose the limitations of claim 1. The limitations recited in claim 1 cannot simply be read into a cited reference. To form the basis for an anticipation rejection, a single reference must disclose each and every element of the claimed invention. *MacAllister et al.* does not satisfy this criteria and as such, claims 1 and 2 are patentable in view thereof. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Claim 3 has been amended to more clearly articulate the aspects of the invention. As amended, claim 3 describes a method of integrating PSTN with a second network including the steps of: 1) receiving a call from a calling party at a central office switching system comprised in the PSTN; 2) connecting the call from the PSTN to a first call processing node for processing based on a first trigger; 3) receiving a second trigger at the PSTN; 4) determining that the call

requires enhanced call processing via voice recognition, voice verification, or voice identification services available at a second call processing node attached to a second network based on the second trigger; and 5) transferring the call and call information from the first call processing node to the second call processing node attached to the second network to provide additional routing information for completing the call. As mentioned above, support for this amendment may be found on (p. 6, l. 25 through p. 8, l. 19) of the specification.

McAllister et al. teaches a call processing system including an automated private branch exchange (PBX) system for servicing voice calls placed on a telephone network at a customer facility. The system includes a voice processor for processing a speech signal received on the telephone network from a caller, and a subscriber database that stores subscriber-specific information that is retrieved in response to processing of the speech signal by the voice processor. A telephone switch initiates completion of a voice call from the caller through the PBX system and on to a voice telephone terminal specified by the subscriber specific information. In response to a selection made by the caller requesting a product-related service, a communications processor selectively generates a digital message, which is then transmitted by a data network to a provider of the product-related service at a remote digital terminal specified by the subscriber-specific information. (Column 2, lines 41-55.)

Claim 3 has been amended as described above to more clearly articulate certain aspects of the invention which are not taught or suggested by *MacAllister et al.* *MacAllister et al.* does not teach the steps of receiving a second trigger at the PSTN; determining that the call requires enhanced call processing via voice recognition, voice verification, or voice identification services available at a second call processing node attached to a second network based on the second trigger; and transferring the call and call information from the first call processing node to the second call processing node attached to the second network to provide additional routing information for completing the call as according to amended claim 3.

MacAllister et al. does not provide the necessary motivation for one having ordinary skill in the art to produce the invention as according to claim 3. Once the system of *MacAllister et al.* receives a call from the PSTN (70) of Figure 1, the call is handled by the automated PBX system until completion. Claim 3 includes a step that causes a call to be re-directed to a second network based on the PSTN receiving a second trigger. This is not taught or suggested by *MacAllister et*

al. Accordingly, Applicants respectfully request that this rejection be withdrawn and that the claims be allowed.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 07-2347, under Order No. 01-VE22.45 from which the undersigned is authorized to draw.

Dated:

Respectfully submitted,

By _____

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AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to Figure 1.

Attachment: Replacement Sheet for Figure 1.